

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

400D0680

SENATE BILL NO. 142

Introduced by: Senator Whiting and Representative Fiegen

1 FOR AN ACT ENTITLED, An Act to change the penalties for the sale or purchase of alcoholic
2 beverages involving persons under the age of twenty-one and to provide for the revocation
3 of driving privileges upon conviction.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 35-9-1 be amended to read as follows:

6 35-9-1. ~~It is a Class 1 misdemeanor to~~ No person may sell or give for use as a beverage any
7 alcoholic beverage to any person under the age of eighteen years unless:

8 (1) It is done in the immediate presence of a parent or guardian or spouse, who is at least
9 twenty-one years of age, while not on the premises of an establishment licensed for
10 the retail sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for
11 which an alcoholic beverage license has been issued pursuant to § 35-4-11.4; or

12 (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the
13 healing arts for medicinal purposes.

14 Section 2. That § 35-9-1.1 be amended to read as follows:

15 35-9-1.1. ~~It is a Class 2 misdemeanor to~~ No person may sell or give for use as a beverage any
16 alcoholic beverage to any person who is eighteen years of age or older but less than twenty-one
17 years of age unless it is done in the immediate presence of a parent or guardian or spouse over

1 twenty-one years of age or by prescription or direction of a duly licensed practitioner or nurse
2 of the healing arts for medicinal purposes.

3 Section 3. That § 35-9-2 be amended to read as follows:

4 35-9-2. ~~It is a Class 2 misdemeanor for any~~ No person under the age of twenty-one years ~~to~~
5 may purchase, attempt to purchase, or possess or consume alcoholic beverages except when
6 consumed in a religious ceremony and given to said person by an authorized person, or to
7 misrepresent ~~his~~ the person's age with the use of any document for the purpose of purchasing or
8 attempting to purchase alcoholic beverages from any licensee licensed under this title.

9 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any person who violates § 35-9-1, 35-9-1.1, or 35-9-2 is guilty of a Class 1 misdemeanor.
12 The sentence imposed for a conviction under this section for a first offense carries a minimum
13 sentence of imprisonment in a county jail of twenty-four hours and a fine of five hundred dollars.
14 The sentence imposed for a conviction under this section for a second or subsequent offense
15 carries a minimum sentence of imprisonment in a county jail of forty-eight hours and a fine of one
16 thousand dollars.

17 Section 5. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a first offense, the
20 court shall, in addition to any other penalty allowed by law, order the revocation of the
21 defendant's driving privileges for a period not less than thirty days and not to exceed one year.
22 However, the court may, in its discretion, issue an order permitting the person to operate a
23 motor vehicle for purposes of the person's employment or attendance at court-ordered
24 counseling programs during the hours of the day and the days of the week as set forth in the
25 order. The court may also order the revocation of the defendant's driving privilege for a further

1 period not to exceed one year or restrict the privilege in such manner as it sees fit for a period
2 not to exceed one year.

3 If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a second or
4 subsequent offense, the court shall, in addition to any other penalty allowed by law, order the
5 revocation of the defendant's driving privileges for a period not less than sixty days and not to
6 exceed one year.